

IN THE UNITED STATES COURT OF INTERNATIONAL TRADE  
BEFORE: THE HONORABLE JANE A. RESTANI, JUDGE

SWISHER INTERNATIONAL, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Court No. 95-03-00322
	)	
UNITED STATES,	)	
	)	
Defendant.	)	

**DEFENDANT'S STATUS REPORT**

Pursuant to this Court's order dated March 13, 2001, defendant, the United States, respectfully submits the following status report regarding the Harbor Maintenance Tax (HMT) Claims Refund Process for "Swisher-type" claims. Swisher Int'l Inc. v. United States, 205 F.3d 1358 (Fed. Cir.), cert. denied, 121 S. Ct. 624 (2000). We have served this report upon the Plaintiffs' Steering Committee and all counsel of record, to our knowledge, in "Swisher"-type cases.

I. "Swisher" Refund Claims Processing

As of July 12, 2001, Customs has received 184 refund requests for "Swisher"-type claims. Customs has completed its review and transmitted an HMT Refund Report and Certification, and an HMT Payment Report to 165 claimants.

The Department of Justice has received 79 signed judgments from plaintiffs (11 for the last monthly period), of which 79 have been submitted to this Court for entry of judgment.

A more detailed chart listing the status of individual cases is attached. This chart is maintained and updated by Customs' on a regular basis and is available on Customs' website at:

<http://www.customs.ustreas.gov/impoexpo/pdf/swish6.pdf>.

## II. Summary Of Refund Process

### Phase One: Initial Review

July 12, 2001

Total Refund Requests Received . . . . . 184

Review Completed/

HMT Refund Report and

Certification and HMT Payment Report Issued

Cumulative . . . . . 165

Monthly Period . . . . . 13

Stipulated Judgments Received By

The Department Of Justice

Cumulative . . . . . 79

Monthly Period . . . . . 11

Stipulated Judgments Submitted To

The Court of International Trade

Cumulative . . . . . 79

Monthly Period . . . . . 21

### Phase Two: Disputed Claims

Receipt Of Disputed Claim Forms

With Supporting Documentation . . . . . 22

Revised HMT Refund Report and

Certification Issued . . . . . 10

### Phase Three: Judicial Review

Cases Submitted For Judicial Review . . . . . 0

Cases Resolved By The Court . . . . . 0

Refunds

Judgments Entered By The Court Of International Trade and Received By The Department of Justice . . . . .	62
Refunds Of Principal Made . . . . .	62
Interest Refunds Requested . . . . .	62
Interest Refunds Issued . . . . .	20

Respectfully submitted,

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July 13, 2001

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